

think provision ought to be made for that debt. No such thing. The Government of the two parties, the responsibility on the part of Texas is complete to pay the debt, and there is no responsibility on the part of the United States to pay one cent. But there is a third party, who was no party to the annexation whatever—that is to say, the creditor of Texas—for a particular portion of the money on the faith of which the money was made by Texas for the purchase of the territory. The money was made by Texas by the appropriation of the duties received on foreign imports; and he, and he alone, is the party to whom we are bound, according to the view which I have presented of the subject. Nor can the other creditors of Texas complain that provision is not made for a particular portion of the debt, because the value of the debt unprovided for is not the responsibility of the Government of the United States, because, in so far as we may extinguish any portion of the debt of Texas under which she is now bound, in so far will it contribute to diminish the residue of the debts of Texas, and leave the funds derived from the public lands available for the payment of the debts which may be payable to the payment of these debts with more effect than if the entire debt, including the pledged portion as well as the unpledged debt, was obligatory upon her, and she stood bound by it. Nor can the creditors complain for another reason. Nor can all the resources of Texas be exhausted when an independent Power assumes the portion of the duties receivable in her ports upon foreign imports, and she is exempted from certain charges, expenditures and responsibilities which she would have had to encounter if she had remained a separate and independent Power; for example, she would have had to provide for a coast guard, and she would have had to contribute to the cost of military force, in order to protect herself against Mexico or against any foreign enemy whatever. But by her annexation to the United States she became liberated from all these charges, and, of course, her entire revenues may be applicable to the payment of her debts, and the Government of the United States is necessary to the support and maintenance of the Government of Texas.

With this explanation upon that part of the subject, I pass to the consideration of the next resolution in the series which I have had the honor to submit, and which relates, if I am not mistaken, to this District.

*Resolved,* That it is inexpedient to abolish slavery in the District of Columbia, until such time as that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

Mr. Fessenden, in an objection at the moment was made to this resolution, and the *Senator* on the other side of the body, that it did not contain an assertion of the unconstitutionality of the exercise of the power of abolition. I said then, as I have uniformly maintained in this body, as I continue to maintain, that the power of Congress to abolish slavery within the District of Columbia has been vested in Congress by language too clear and explicit to admit, in my judgment, of any rational doubt whatever. What, sir, is the language of the constitution? "To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by some of the States, be ceded to, or purchased by, the United States, and to exercise the Government of the United States." Now, sir, Congress, by their grant of power, is invested with all legislation whatsoever over the District. Not only is it so invested, but it is exclusively invested with all legislation whatsoever over the District. Can we conceive of human language more broad and comprehensive than this? Can we conceive of a body with exclusive power, in all cases whatsoever, of legislation over a given district of territory or country? Let me ask, sir, is there any power to abolish slavery in this District? Let me suppose, in addition to what I suggested the other day, that slavery had been abolished in Maryland and Virginia—let me ask you, is it the responsibility of the whole body of the United States, to invest any power then to abolish slavery within the District of Columbia, or is slavery planted here to all eternity, without the possibility of the exercise of any legislative power for its abolition? It cannot be invested in Maryland, because the power with which Congress is invested is exclusive. Maryland, therefore is excluded, and so are the other States of the Union excluded.

Here, or is it number 10.

This was the view which I took in 1839, and I think there is nothing in the resolution which I offered on that occasion incompatible with the view which I now present, and which this resolution contains. Whilst I admitted the power to exist in Congress, and moreover, that it was not a power which was gained by the States, and consequently in the case of the abolition of slavery within this District, if it deemed it proper to do so, I admitted on that occasion, as I content now, that it was a power which Congress cannot, in conscience and good faith, exercise whilst the institution of slavery continues within the District of Maryland. The case, sir, is a good one, and I think that what I said on that occasion, the resolution to which I allude was adopted by the Senate. Upon that occasion Virginia and Maryland both were concerned in the exercise of the power; but, by the retrocession of that portion of the District which lies south of the Potomac, Virginia became no more interested in the question of the abolition of slavery within the District, and the only State which alone stands in the State in which I am interested is its abolition. The question now is confined to Maryland. I said on that occasion, that, although the grant of power is complete, and comprehends the right to abolish slavery within the District, yet there was a thing which never could have entered into the conception of a man who would have suggested the idea of doing so, whilst slavery continued to exist in either of those two adjoining States. I say, moreover, what the grant of power itself indicates, that, although exclusive legislation in all cases whatsoever over the District was invested in Congress with the main square, it is not making any distinction between the District and the States. That was the great, prominent, substantial object of the grant, and that, in exercising all the powers with which we are invested, complete and full as they may be, yet the great purpose—that of the session having been made in order to create a suitable seat of government—ought to be the leading and controlling idea with Congress in the exercise of this power. I think that it is the duty of Congress to render it a proper and suitable seat of government for the United States, that slavery should be abolished within the limits of the ten miles square. And inasmuch as the time of the session—when, in a spirit of generosity, immediately after the formation of this constitution—when all was peace, and harmony, and good feeling, and the people were united in feeling, and prayed throughout this whole Union—when Maryland

and Virginia, in a moment of generous impulse, and with feelings of high regard towards the members of this Union, chose to make this grant, neither party could have expected that, at some distant future period, upon the revocation of this gift, the sword would be turned without equivalent was to be turned against them, and that the sword was to be applied, as it were, in their bosoms, to strike at their own hearts: thus this implied faith, this honorable obligation, this necessity and propriety of keeping in constant view the great object of cession. These were considerations that, in the minds of the Congress, were of great weight, in equipping the reasons which I have submitted to your consideration. Now, as then, I do not think Congress could ever, as an honorable body, acting *bona fide* in good faith, and according to the nature and purposes and objects of the cession at the time it was made—and, looking at the condition of the Union at that time, Congress could not have expected the forfeiture of all their obligations, of which men of honor and nations of honor respect as much as if found literally in so many words in the bond itself—Congress cannot interfere with the institution of slavery in this District without the violation of all these obligations, not in my opinion less sacred and less binding than if inserted in the congressional instrument.

Well, sir, what does the resolution propose? The resolution neither affirms nor disaffirms the constitutionality of the exercise of the power of abolition in this District. It is silent upon the subject. It says it is inexpedient to do it but upon certain conditions. And what are these considerations? Why, first, that the State of Maryland shall release the United States from the obligation of the implied faith which I contend is connected with the act of cession by Maryland to the United States'. Well, sir, if Maryland, the only State now existing which has any portion of the territory which remains to us, should refuse to release the United States from the obligation, Congress from all obligations growing out of the cession with respect to slavery, I consider it is removing one of the obstacles to the exercise of the power, if it were deemed expedient to exercise the power. But it is removing only one of them. There are two other conditions which are inserted in this resolution, first, that the consent of the people of the District be obtained. Well, sir, the condition of the people of the District, Mr. President, the condition of the people of the District,

trict is anomalous. It is a condition in violation of the great principles which lie at the bottom of our own free institutions, and all free institutions, because it is the case of the slave, that he is not represented in the District, and taxed by legislative authority, without having any voice or representation in the taxing or legislative body. The Government of the United States, in respect to the District of Columbia, is a tyranny, an absolute Government—not exercised lightly, but with a power never to be exercised tyrannically or arbitrarily; but it is in the nature of all arbitrary power, because, if I were to give a definition of arbitrary power, I would say that it is that power which is exercised without the assent of the governed. I have no voice, no representation in the assembly whose edicts or laws go forth to act upon the unrepresented people to whom I have no objection, Sir, that they bring their condition, and this question of the abolition of slavery, and the rights of the colored people, which we can imagine—of prosperity, society, comfort, peace, and happiness—I have required as another condition, upon which alone this power should be exercised, the consent of the slave. I have said, Sir, that I have not stopped to consider the rights of the slave, but I have not stopped there. That's a resolution requires will and power to enforce it, and that is, that slavery shall not be abolished within the District of Columbia, although Maryland consents, although the Congress of the United States consents, without the third condition of making compensation to the slave, and the slaves within the District. Sir, it is immaterial to me upon what basis this obligation to compensate for the slaves who may be liberated by the act of Congress is placed. That is the question. The constitution of the United States is one of the amendments to the constitution, which declares